

REMARKS

Upon entry of the present amendment, claims 19-23, 27 and 28 will have been canceled without prejudice or disclaimer of the subject matter. Claim 24 will have been amended while a claim 29 will have been submitted for consideration by the Examiner. The cancellation of the claims pending the present application is not to be taken as an indication of the acquiescence, by the Applicants, the Assignee, or their representative in the propriety of the Examiner's rejections. Rather, these claims are being canceled in view of the Examiners indication of allowable subject matter and Applicants desire to expedite the prosecution of the present application so as to result in the issuance of a patent for the features of Applicants' invention in a prompt manner.

In the outstanding Official Action, the Examiner rejected claims 22, 24, and 28 under 35 U.S.C. § 112, second paragraph. The Examiner indicated that the claims are indefinite for failing to particularly point to and distinctly claim the subject matter which Applicants regards as the invention.

The Examiner rejected claims 19-21 and 27 under 35 U.S.C. § 103(a) as being a unpatentable over WISE (U.S. Patent Publication No. 2002/0143649) in view of KRASLAVSKY (U.S. Patent No. 5,537,626). Claims 22, 23, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise in view of STEFIK (U.S. Patent Publication No. 2001/0008557) and LOFGREN (U.S. Patent Publication No. 2002/0154144).

The Examiner indicated that claim 24 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

In view of the Examiner's indication of allowable subject matter in claim 24, and without in any manner acquiescing in the propriety of any of the Examiners' rejections, Applicants have canceled all the other claims in the present application and amended claim 24 in order to overcome the Examiners' rejection thereof under 35 U.S.C. § 112, second paragraph.

Additionally, in order to more fully understand the nature of the Examiner's rejection under 35 U.S.C. § 112, second paragraph, and to more efficiently and effectively eliminate the Examiner's concerns with respect thereto, Applicants' undersigned representative conducted a telephone interview with the Examiner TURCHEN on August 27, 2008. The Examiner is respectfully thanked for his cooperation and courtesy in conducting the above-noted interview on short notice as well as for his open-minded approach to Applicants' concerns. The Examiner is additionally thanked for his assistance in clarifying the rejection in such a manner as to enable the present application to advance towards allowance in an efficient and expeditious manner.

During the above noted interview, Applicants' representative discussed what was understood to be the Examiner's expressed concern that the claim fails to disclose what happens when both of the watermarks do not exist in the memory. In this regard, Applicants' representative pointed out that this feature is not a significant aspect of the present invention and there is no need for reciting what happens under such circumstances in the claims of the present application, which are directed to another aspect of the server operation.

With respect to the other concerns expressed by the Examiner in the outstanding rejection, after some discussion, it was determined that these concerns could be resolved

by reorganizing the recitations of the claim so was to clarify what happens (i.e. how the controller operates) when it is determined that the first and second watermarks are stored in the second memory and , on the other hand, when it is determined that the first watermark is not stored in the second memory.

Upon entry of the present amendment, claim 24 will have been amended in accordance with the understanding of the Examiner's concerns that resulted from the discussion that took place during the above-noted interview. Again, the Examiner is respectfully thanked for his assistance in achieving a clear understanding of his concerns and accordingly how best to respond to and eliminate such concerns.

In the present response, Applicants have submitted claim 29 for consideration by the Examiner. Claim 29 is a method claim based on the aspect of Applicants invention recited in claim 24. Accordingly, at least for the same reasons that the Examiner indicated the allowability of claim 24, claim 29 should also be indicated to be allowable.

Applicants note the Examiner's Statement of Reasons for the Indication of Allowable Subject Matter with respect to claim 24. In this regard, while Applicants do not disagree with any of the features enumerated by the Examiner in the above noted statement, Applicants additionally submit that each of the claims in the present application recite a combination of features and that the patentability of each claim is also based on the particular totality of features recited therein. Accordingly, the reasons for allowance should not be limited to those features specifically mentioned by the Examiner in the statement of reasons.

Accordingly, Applicants respectfully submit that, at least for the reasons set forth above, all the claims now pending in the present application are in condition for

allowance and Applicants accordingly respectfully request an indication to such effect, in due course.

SUMMARY AND CONCLUSION

Applicant have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have made of record a telephone interview conducted with the Examiner in charge of the above noted application. Applicants have additionally canceled, without prejudice or disclaimer of the subject matter, all the claims except for the claim indicated to contain allowable subject matter by the Examiner in the outstanding Official Action. Furthermore, Applicants have submitted an additional method claim for consideration by the Examiner herein.

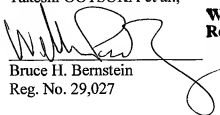
During the above noted interview, Applicants representative and the Examiner discussed the outstanding rejection under 35 U.S.C. § 112, second paragraph, and how to overcome the same. In the present response, Applicants have amended the claim in accordance with the understanding of the Examiner's concerns and bases for the Examiner's rejection of claim 24 gained during the interview.

Accordingly, Applicants respectfully submit that claim 24 is no longer subject to rejection under 35 U.S.C. § 112, second paragraph and that claim 24, which was not subject to any prior art rejection, and was indicated to contain allowable subject matter as well as newly submitted claim 29, which is a method claim based upon claim 24 are both allowable. An action to such effect is respectfully requested, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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